

# Truth and Reconciliation are Steps for the Future



Truth and Reconciliation Commission, Republic of Korea

# Admission of Past Wrongdoings Represents The First Step Toward Healing Wounds and Reconciling Victims and Offenders

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## Welcome to 'Truth and Reconciliation Commission' Republic of Korea!

As President of the Commission, I am very pleased to introduce our activities.

The Truth and Reconciliation Commission (hereafter referred as TRCK) was established on December 1, 2005, under the Framework Act on Clearing up Past Incidents for Truth and Reconciliation. To reveal the truth of our history, we investigate past incidents, such as anti-Japanese independence movements during the Japanese occupation, the historical efforts of Koreans residing abroad before and after the Korean War and mass illegal victimization of civilians from August 15, 1945, up to the end of the authoritarian regimes.

We have ascertained the truth for over 3,000 incidents, including the Cho Yong-Soo incident, the late founder of the Minjok Daily, Bodo League incidents in Ulsan, Wolmi Island bombing incident by the US Air Force and Kang Ki-Hoon's Ghostwriting the Will incident. In 2007, the remains of 400 people were excavated from the suspected killing sites. These sites are in relation to the civilian massacres which took place before and during the Korean War period.

By revealing the hidden truth of modern Korean history, we will put forth every effort in our search for the truth to restore the honor of the victims and the bereaved families. In order to achieve national unity and reconciliation, we will persist in our mission to ascertain the truth. At the same time, we will strive to be an international role model as a truth commission. Korea is only country in Asia that reveals its shameful past to the public.

There are international trade organizations, international environmental organizations but there is no international network for the reclamation of the past. There are 50 truth commissions throughout the world are actively pursuing the just settlement of past wrongdoing. In order to be a role model, we will provide full cooperation with other truth commissions in the world. In this respect, we look forward to your continual interest and support in our activities.

Thank you

July, 2008

안 병욱

Dr. Ahn, Byung-Ook  
President of Truth and Reconciliation Commission, Republic of Korea

# Chronology

## ● Key Events in Contemporary Korean History >>



- 4. 1948. Jeju's April 3 Incident
- 8. 1948. The Republic of Korea established
- 10. 1948. Yeosu-Suncheon Incident in October
- 6. 1950. The Korean War broke out
- 2. 1951. Civilian massacre in Geochang
- 7. 1953. Armistice agreement signed



- 4. 1960. April 19 Democratic Revolution
- 5. 1961. May 16 Military Coup
- 10. 1963. Park Chung-Hee elected as President
- 10. 1972. Revitalizing Reforms (Yushin) proclaimed
- 10. 1979. President Park Chung-Hee assassinated
- 12. 1979. Military hard-liners seized power

1940-1950

1960-1970

## ● Efforts for Truth and Reconciliation >>

10. 1948.  
Abortive efforts to punish  
pro-Japanese collaborators

5. 1960.  
National Assembly set up special  
investigation committee on  
civilian massacre before and during  
the Korean War



- 5. 1980. May 18 Gwangju Democratization Movement
- 9. 1980. General Chun Doo-Hwan take office as President
- 6. 1987. June Democratic Struggle
- 12. 1987. Rho Tae-Woo elected as President
- 12. 1992. Kim Young-Sam elected as President
- 12. 1997. Kim Dae-Jung elected as President
- 12. 2002. Roh Moo-Hyun elected as President
- 12. 2007. Lee Myung-Bak elected as President

2000~

1980-1990

- 8. 1990. Special Act on compensation for people involved Gwangju Democratic Movement
- 12. 1995. Former Presidents Chun Doo-Hwan and Rho Tae-Woo arrested and put into jail
- 12. 1995. Special Act on the May 18 Democratic Movement and statute of limitations removed for criminal acts violating constitutional order
- 1. 1996. Special Act to reinstate those involved in Geochang incident



- 1. 2000. Special Act to investigate suspicious deaths, Special Act to restore reputation of and compensate for people involved in democratic movements, and Special Act on Jeju April 3 Incident to restore the impaired reputation of the victims
- 1. 2001. US President Clinton apologized for Nogeunri Incident occurred in Yeongdong, Chungbuk.
- 3. 2004. Special Acts to investigate the forced mobilization and pro-Japanese collaboration under the Japanese rule, and a Special Act to restore reputation of Nogeunri victims
- 5. 2005. Framework Act on Truth and Reconciliation
- 7. 2005. Special Act to investigate of suspicious deaths in the military
- 12. 2005. Truth & Reconciliation Commission, Republic of Korea, launched
- 12. 2005. The Special Act to Redeem Pro-Japanese Collaborators' Property was promulgated and went into effect
- 1. 2008. President Roh Moo-Hyun apologized for killings of leftists by a past regime



# Current Status of the TRCK

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## ● Backgrounds

- Most of the victims and families lived in constant fear that the murderers may come back again; they are forbidden by law to talk about the crimes against their loved ones. Their forced silence has allowed the war criminals go free and prosper in South Korea.
- For decades, before right-wing dictatorship gave way to democracy, the wholesale executions were a forbidden subject in South Korea.
- The liberal administration of former President Roh Moo-Hyun, which set up the TRCK in 2005, said nations must account for their past.
- Under the 「Framework Act on Clearing up Past Incidents for Truth and Reconciliation」, the Commission's purpose is to foster national legitimacy and reconcile the past for the sake of national unity by honoring those who participated in anti-Japanese movements and exposing the truth by investigating incidents regarding human rights abuses, violence, and massacres occurring since Japanese rule to the present time, specifically during the nation's authoritarian regimes.
  - ▶ 5. 31. 2005 Enacted Framework Act on 「Truth and Reconciliation」
  - ▶ 12. 1. 2005 Truth & Reconciliation Commission, Republic of Korea, officially launched

## ● Function of the Commission

- Selecting petitions for investigation, investigating the petitions and verifying the respective investigation
- Recommending reconciliation measurements to relevant organizations & assisting establishment of research institutes

## ● Subcommittee and Reconciliation Committee

- According to the subject of truth finding, 3 Subcommittees are in operation—Subcommittee of Investigation on National Independence, Subcommittee of Investigation on Mass Civilian Sacrifice and Subcommittee of Investigation on Human Right Abuses.
  - ▶ Each subcommittee consist of 4 to 5 commissioners
  - ▶ Commissioners of the subcommittee shall be decided during a commission meeting
- Composition and Operation of the Reconciliation Committee for Reconciliatory Measure. (Article 17 of the Operation Regulation of the TRCK)

## ● Outline of the Commission

### ○ Make-up of the Commission

- ▶ Commissioners : 15 Persons (1 President, 14 Commissioners)
- ▶ Appointment Commissioners
  - : 4 are nominated by the President (including 2 Standing Commissioners)
  - 8 are nominated by the National Assembly (including 2 Standing Commissioners)
  - 3 are nominated by the Chief Justice – Article 1 of the Framework Act

### ○ Commissioners Introduction

- ▶ President Ahn, Byung-Ook | Professor/Korean History at the Catholic University of Korea  
Former President of Korea Progressive Academy Council
- ▶ Standing Commissioners
  - Kim, Dong-Choon | Professor/Sociology of Sungkonghoe University  
Former Policy President, People's Solidarity for Participatory Democracy
  - Kim, Jun-Gone | Lawyer/Former Standing Commissioner of the Presidential Truth Commission on Suspicious Deaths
  - Lee, Young-Jo | Professor/Political Science at Kyunghee University  
Former President of Market Economy and Democracy Institute
- ▶ Commissioners
  - Kim, Oe-Sook | Lawyer/The Law Office Busan
  - Doh, Jin-Soon | Professor/Changwon National University  
Advisor of Contemporary History Institute of Joongang Daily
  - Park, Sang-Hoon | Lawyer/The Law Office Yoon Yang Kim Shin & Yu  
Former Senior Judge, Seoul Administration Court
  - Park, Yo-Chan | Lawyer/Lecturer in Tax Law at The University Of Seoul
  - Lee, Kee-Yuk | Lawyer/Representative Attorney for the Law Office Changjo  
Former Vice-Chairman of Minbyun-Lawyers for a Democratic Society
  - Lee, Hyun-Hee | Professor/Department of History, Sungshin Women's University
  - Jung, Byung-Seok | Professor & Principal/Department of Law, Chonnam National University
  - Jung, Byung-Joon | Professor/Ewha Womans University  
Former Research Fellow, National Institute of Korean History
  - Chung, Jae-Geun | Buddhist priest/Bukhan Mountain Kumsonsa, Jogye Order of Korean Buddhism  
Commissioner of National Human Rights Commission
  - Choi, Il-Suk | Lawyer/Hanwul Law Office  
Vice-Chairman of Minbyun-Lawyers for a Democratic Society
  - Hong, Soon-Kwon | Professor/Department of History, Dong-A University  
President, The Korean Association of Genocide Scholars

### ○ Period of the Commission

- ▶ To be completed within 4 years after commencing investigation(4. 25. '06)
- ▶ 2-year extension if necessary  
(Report to the President and the National Assembly at least three months before the Commission period ends)

# Scope of Investigation

## ● National Independence

- Anti-Japanese independence movements during or immediately before Japanese occupation
- Efforts by overseas Koreans to uphold Korea's sovereignty and enhance Korea's national prestige since the Japanese occupation until the launch of the Truth and Reconciliation Commission (December 1, 2005)

## ● Mass Victimization

- Mass illegal victimization of civilians from August 15, 1945 to the Korea War period
- Terrorist acts, human rights violations, violence, massacres and suspicious deaths by parties that denied the legitimacy of or were hostile towards, the Republic of Korea from August 15, 1945 up to the end of authoritarian regimes

## ● Human Rights Violation

- Incidents of death, injury or disappearance, and other major acts of human rights violation, including politically fabricated trials, that were committed through illegal or seriously unjust exercise of state power such as breaking the constitutional order from August 15, 1945 up to the end of authoritarian regimes
- Cases that have already been ruled in court, but qualify for new trial and need to be reinvestigated for truth
- Cases that the Presidential Truth Commission on Suspicious Deaths inconclusively investigated and requested the TRCK to reinvestigate





# The Present Status of the Investigations

## ● The Status of Verified Cases

- The TRCK has received 10,949 petitions in total: of these, the TRCK completed investigation of 3,141 cases (28.7%), dismissed 1,404 cases (12.8%), launched investigation of 7,704 cases (70.3%), is conducting preliminary investigation of 71 cases (0.7%), reserved 33 cases (0.3%).

〈Table 1〉 The Status of the Investigations (As of July 8, 2008)

(Unit: Cases, %)

Range of Investigations	Total	Completed Cases						Investigating	Pre-Investigation	Reservation
		Sub-Total	Verified	Unverified	Dismissed	Withdrawal	Transferred			
Grand Total (%)	10,949 (100.0)	3,141 (28.7)	1,725 (15.8)	12 (0.1)	1,011 (9.2)	296 (2.7)	97 (0.9)	7,704 (70.3)	71 (0.7)	33 (0.3)
Independence Movement	273	203	15	12	169	7		45	1	24
History of Overseas Korean Victims	16	2	1		1			4	10	
Civilian Massacres	7,803	1,699	1,461			234	4	6,104		
Opposing Legitimacy of the ROK	1,647	321	196		102	22	1	1,326		
Human Rights Abuses	621	332	52		227	28	25	225	55	9
Others	589	584			512	5	67		5	



# The Status of Main Verified Cases

## ● Mass Civilian Sacrifice Incidents



### ○ Ulsan Bodo League Members Incident

- ▶ In the southeastern city of Ulsan for hundreds of people massacred by police during the early months of the 1950–1953 Korean War. 407 civilians were executed without trial in Ulsan in July and August 1950.
- ▶ January 24, 2008, then president Roh Moo-Hyun apologized to South Koreans for the mass execution of suspected leftists half a century ago. The apology came at a memorial service in Ulsan.

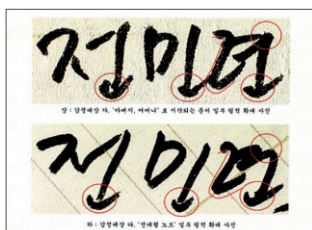
### ○ Wolmi Island Bombing Incident

- ▶ On Sept 10, 1950, five days before the Incheon landing, 43 U.S. war planes swarmed over Wolmi, dropping 93 napalm tanks to "burn out" its eastern slope, according to declassified U.S. military documents verified by the TRCK. Large numbers of unarmed civilians were killed in indiscriminate U.S. air strikes.
- ▶ Calling the attacks violations of international conventions on war, the commission recommended that the government negotiate with the United States to compensate the victims.

### ○ Seocheon Registry Office Massacre Incident

- ▶ Seocheon residents were confined in the Seocheon Registry Office storage room and burned alive at 1:00 a.m. on September 27, 1950. Until now, many criticized discrepancies in the number of victims. The testimonials and documents suggest that it ranges from 50 to 360 people, but the Commission confirmed that the actual number of the victims is approximately 250.
- ▶ Reconciliation is necessary between the victims and perpetrators through apology and forgiveness.

● Human Rights Abuses Incidents



○ Kang Ki-Hoon's Ghostwriting the Will Incident

- ▶ In 1991, the government of former President Roh Tae-Woo brought trumped up charges against Kang Ki-Hoon, an activist, for forging the will and testament of his friend and fellow activist, Kim Ki-Sul, who had burned himself to death in protest against the military government.
- ▶ The Commission has declared the case an improper violation of human rights by the state, based on an analysis of the handwriting in the will, and demanded a retrial. Kang, who served approximately 3 years in prison for assisting with Kim's self-immolation, finally cleared himself of the false charges.

○ Fabricated Spy Scandal of Returned Fisherman Kidnapped to North Korea

- ▶ Returned South Korean fisherman abducted to North Korea, seen as potential threat by the South Korean regime and as a pool of scapegoats when a spy case became politically expedient. The South Korean Court wrongly convicted the returned fisherman as a Spy of North Korea by torture and fabricated evidence.

● National Independence and Anti-Japanese Movement Incident



○ Lee Yun-Hee's resistance to the Anti-Japanese Independent Movement through the Hukwoo society in the 1920s.

# Measures for Reconciliation

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The State and the TRCK will take adequate measures to rectify damages and restore the honor of casualties, victims and families.

- **Measures by the TRCK**

- Proposals for special pardon and reinstatement for those that have been convicted or had their qualifications suspended or rescinded due to concealment or distortion of truth
- Proposals for special pardon, reinstatement or reduction of penalties for offenders who have confessed the truth
- Active persuasion for reconciliation between offenders and victims and their families

- **Measures by the State**

- Adequate measures to rectify damages and restore the honor of victims and their families
  - ※ Except for cases in which adequate measures have been taken by other laws and ordinances
- Adequate legal and political reconciliation measures for offenders
- Necessary measures for national reconciliation and integration
- Respect for various decisions and proposals by the TRCK

- **Common measures by the TRCK and the State**

- Support the establishment of a research foundation that will hold memorial services and organize historical exhibitions



## Effort for Strengthening the Effectiveness of Reconciliation and Recommendations

### ● Recommendations after Truth Verification

- The government offer an apology to the victims and the bereaved families, restore the honor of the victims, and establish a memorial. The memorial would serve two purposes; memorialize the victims and be an archive for historical records for history books.
- Retrials of the cases as necessary.
- Free medical service to treat the victims and bereaved families be administered, correct false and exaggerated records, and offer reparation.
- Legislation to rectify the damage suffered by the victims and extra follow up measures.

### ● Effort to Ensure the Effectiveness of Implementation of Reconciliation and Recommendations

- On January 8, 2008, we urged the enforcement of the presidential decree on "Regulation of Recommendations and Follow-up Measures in Relation to the Past incidents."
- On June 19, 2007, we urged for the establishment of the Reconciliation Commission.

### ● Operation of the Recommendations Follow-Up Board of the TRCK

#### ○ Main Functions and Roles

- ▶ Establish implementation of the 13 commissions' recommendations, including the TRCK and the Committee for Clarifying the Truth of the Jeju 4.3 Incident
- ▶ Monitor implementation status of the recommendations in relevant organizations

#### ○ Deliberation Council and Working-level Committee

##### ○ Deliberation Council

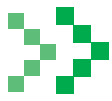
Chairman: Minister of Public Administration and Security

- ▶ Deliberate on the basic policy of the Recommendations Follow-up Board of the TRCK
- ▶ Council members are vice-ministers of the following ministries: Ministry of Strategy and Finance, Ministry of Justice, Ministry of Public Administration and Security, and the Ministry of Patriots and Veterans' Affairs

##### ○ Working-level Committee

Chairman: Vice Minister of Public Administration and Security

- ▶ Preliminary discussion and coordination of the agendas of the Deliberation Council
- ▶ Committee members: senior officials of the relevant ministries and Head of the Recommendations Follow-Up Board of the TRCK



## Effort for Strengthening the Effectiveness of Reconciliation and Recommendations

39 sites (out of 167 sites) were designated as massacre burial grounds and regarded as foremost areas for exhumation.

### ● In 2007

- 4 sites were excavated.
- The remains of 400 bodies were uncovered, along with 1,085 articles of the deceased (MI Rifles, empty cartridges and bullets), from the cobalt minefields of Gyeongsan, Daejeon, Cheongwon and Gurae.

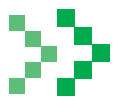
### ● In 2008

#### ○ Exhumation Locations

Locations	Maegok Neighborhood, Suncheon City, Jeollanam Province	Jigyeong Cave & Bunteo Cave, Cheongwon County, Chungbuk	Cobalt mine of Gyeongsan, Gyeongbuk	Galmaegi Island, Jindo County, Jeollanam Province	Oegong Village & Villiage, Sancheong County, Gyeongsangnam Province
Related Incidents	Yeosu-Suncheon Incident	Bodo League Incident in Bunteo Cave, Cheongwon County	Gyeongsan Cobalt Mine Incident	Bodo League Incident in Haenam	Oegong Village Incident & Mass civilian massacres in Samjang Township, Sicheon Neighborhood, Gyeongsangnam Province

### ● Current Status of Investigation on Civilian Victims by Mass Killings

- 1st Year: May 2007~December 2007  
(Research Foundation for Industry-Academy Cooperation, Dong-A University)
  - ▶ Excavated approximately 8,600 bodies and unearthed around 20 incidents related to retaliatory killings
- 2nd Year: July 2008~February 2009  
(The Academy of Social Sciences, Chonnam National University)
  - ▶ Special investigation on six villages of Inje, Gangwon Province; Yeungdong, Chungcheongbuk Province; Yeongcheon, Kyungsangbuk Province; Imsil, Jeollanam Province; Yeonggwang



# Outline of the Framework Act on Clearing up Past Incidents for Truth and Reconciliation

MAY 09, 2005

## • Objective

Immediately after the Republic of Korea was founded, it experienced the tragedy of a civil war, exacerbated by a global power struggle between foreign nations. After the war, a succession of tyrannical and authoritarian regimes that promoted national security and economic growth at the cost of human rights led to reprehensible results: human rights abuses, fabricated charges by those in power against political enemies and even mass killings of civilians.

To correct past wrongdoings, a number of laws have recently been introduced; however, there is no connection or conformity among the laws. Each one deals with a single incident and each provides different provisions for fact-finding, restoring unfairly tarnished reputations and compensation. In addition, the laws do not address the issue of reconciliation, which is necessary for making a fresh start.

Thus, the purpose of this Act is to foster national legitimacy and reconcile the past for the sake of national unity by (i) honoring those who took part in anti-Japanese movements; (ii) investigating incidents regarding human rights abuses, violence and massacres occurring since Japanese rule and up to the present time, specifically during the nation's authoritarian regimes; and (iii) exposing distorted and covered-up truths.

## • Main points

1. The title of the Act shall be changed from “The Framework Act for Identification of the Truth and Reconciliation” to “The Framework Act on Clearing up Past Incidents for Truth and Reconciliation.”
2. The purpose of the Act shall be to investigate violations during Japanese rule as well as in the years following liberation, including human rights abuses, killings, and suspicious deaths committed without regard for democracy and human rights; and to identify perversions of the law and cover-ups (Article 1 and Article 2).
3. The Commission on Clearing up Past Incidents for Truth and Reconciliation shall be established, first, to discover the truth and second, to work on reconciliation matters (Article 3).
4. A total of 15 members of the commission shall be appointed by the President; eight recommended by the National Assembly, four by the President, and three by the Chief Justice of the Supreme Court (Article 4).
5. The investigation period shall be four years, and if necessary, it may be extended for an additional two years (Article 25).
6. No person shall be misrepresented as a suspect in newspapers, magazines, broadcast programs, etc. solely because he or she once held a certain post in administrative, military, judicial or other organizations subject to the investigation (Article 31).
7. Cases that were not sufficiently investigated by the Presidential Truth Commission on Suspicious Deaths for reasons such as lack of time may be reopened for further investigation under the Act (Article 3 of the Addenda).

 **Truth and Reconciliation Commission, Republic of Korea**

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